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8	Attorneys for Complainant		
9	BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
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11			
12	In the Matter of the Accusation Against: Case No. 2009 -303		
13	DONNA LYNN MOORE 5710 Crescent Park East, Apt. 313 ACCUSATION		
14	Playa Vista, CA 90094		
15	Registered Nurse License No. RN 667518		
16	Respondent.		
17			
18	Complainant alleges:		
19	<u>PARTIES</u>		
20	1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation		
21	solely in her official capacity as the Executive Officer of the Board of Registered Nursing,		
22	Department of Consumer Affairs.		
23	2. On or about October 13, 2005, the Board of Registered Nursing issued		
24	Registered Nurse License Number RN 667518 to Donna Lynn Moore (Respondent). The		
25	Registered Nurse License was in full force and effect at all times relevant to the charges brought		
26	herein and expired on April 30, 2009.		
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JURISDICTION

- 3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct, which includes, but is not limited to, the following:
- (1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

REGULATORY PROVISIONS

7. California Code of Regulations, title 16, section 1442 states:

As used in Section 2761 of the code, "gross negligence" includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

California Code of Regulations, title 16, section 1443 states: 8. As used in Section 2761 of the code, "incompetence" means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5. California Code of Regulations, title 16, section 1444 states: 9.

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

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(c) Theft, dishonesty, fraud, or deceit.

COST RECOVERY

Section 125.3 of the Code provides, in pertinent part, that the Board may 10. request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FACTS

Respondent was employed by Associated Health Professionals (AHP), a 11. nurse registry, from approximately January 2004 until she was terminated in January 2006. On or about March 4, 2005, while working at the University of California Los Angeles Medical Center, Respondent admitted stealing \$300 from the purse of a post-partum patient while the patient was taking a shower. The patient reported the incident to the hospital's charge nurse and the matter was investigated by the UCLA Police Department. The matter was referred to the Los Angeles County District Attorney's Office for prosecution. The court dismissed the matter following Respondent's successful completion of psychotherapy and restitution to the victim.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

Respondent is subject to disciplinary action under section 2761, 12. subdivision (a) of the Code in that on or about March 4, 2005, Respondent stole \$300 from a

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1	patient's purse while the patient was taking a shower. Respondent's lack of judgment and			
2	willingness to victimize a patient in her care is unprofessional conduct and is substantially relate			
3	to the practice of nursing.			
4	SECOND CAUSE FOR DISCIPLINE			
5	(Gross Negligence)			
6	13. Respondent is subject to disciplinary action under section 2761,			
7	subdivision (a)(1) of the Code in that on or about March 4, 2005, Respondent's admitted theft of			
8	\$300 from a patient in her care demonstrated unprofessional conduct and a conscious disregard			
9	for the health, safety, and welfare of her patient. Such conduct was a substantial departure from			
10	the standard of care expected of a registered nurse, and is substantially related to the practice of			
11	nursing pursuant to California Code of Regulations, title 16, section 1444, subdivision (c).			
12	THIRD CAUSE FOR DISCIPLINE			
13	(Incompetence)			
14	14. Respondent is subject to disciplinary action under section 2761,			
15	subdivision (a)(1) of the Code in that on or about March 4, 2005, Respondent's theft of \$300			
16	from a patient in her care demonstrated a failure to exercise the learning, skill, care and			
17	experience ordinarily possessed and exercised by a competent registered nurse.			
18	<u>PRAYER</u>			
19	WHEREFORE, Complainant requests that a hearing be held on the matters herein			
20	alleged, and that following the hearing, the Board of Registered Nursing issue a decision:			
21	1. Revoking or suspending Registered Nurse License Number RN 667518,			
22	issued to Donna Lynn Moore;			
23	2. Ordering Donna Lynn Moore to pay the Board of Registered Nursing the			
24	reasonable costs of the investigation and enforcement of this case, pursuant to Business and			
25	Professions Code section 125.3;			
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1	3. Taking such oth	er and further action as deemed necessary and proper.
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3	DATED: 5/25/09	
4		Rott On-T
5	Ī	RUTH ANN TERRY, M.P.H., R.N. Executive Officer
6	Ī	Board of Registered Nursing Department of Consumer Affairs State of California
7		State of California Complainant
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